

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 96
95TH GENERAL ASSEMBLY

Reported from the Committee on Education, May 7, 2009, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0099S.03C

AN ACT

To repeal sections 160.261, 160.660, 160.775, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, RSMo, and to enact in lieu thereof twenty new sections relating to school protection measures, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.261, 160.660, 160.775, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 160.261, 160.263, 160.660, 160.775, 161.650, 162.215, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 approved methods of dealing with acts of school violence, disciplining students
13 with disabilities and instruction in the necessity and requirements for
14 confidentiality.

15 2. The policy shall require school administrators to report acts of school
16 violence to **all** teachers **at the attendance center** and **in addition, to** other
17 school district employees with a need to know. For the purposes of this chapter
18 or chapter 167, RSMo, "need to know" is defined as school personnel who are
19 directly responsible for the student's education or who otherwise interact with the
20 student on a professional basis while acting within the scope of their assigned
21 duties. As used in this section, the phrase "act of school violence" or "violent
22 behavior" means the exertion of physical force by a student with the intent to do
23 serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to
24 another person while on school property, including a school bus in service on
25 behalf of the district, or while involved in school activities. The policy shall at a
26 minimum require school administrators to report, as soon as reasonably practical,
27 to the appropriate law enforcement agency any of the following crimes, or any act
28 which if committed by an adult would be one of the following crimes:

- 29 (1) First degree murder under section 565.020, RSMo;
- 30 (2) Second degree murder under section 565.021, RSMo;
- 31 (3) Kidnapping under section 565.110, RSMo;
- 32 (4) First degree assault under section 565.050, RSMo;
- 33 (5) Forcible rape under section 566.030, RSMo;
- 34 (6) Forcible sodomy under section 566.060, RSMo;
- 35 (7) Burglary in the first degree under section 569.160, RSMo;
- 36 (8) Burglary in the second degree under section 569.170, RSMo;
- 37 (9) Robbery in the first degree under section 569.020, RSMo;
- 38 (10) Distribution of drugs under section 195.211, RSMo;
- 39 (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 40 (12) Arson in the first degree under section 569.040, RSMo;
- 41 (13) Voluntary manslaughter under section 565.023, RSMo;
- 42 (14) Involuntary manslaughter under section 565.024, RSMo;
- 43 (15) Second degree assault under section 565.060, RSMo;
- 44 (16) Sexual assault under section 566.040, RSMo;
- 45 (17) Felonious restraint under section 565.120, RSMo;
- 46 (18) Property damage in the first degree under section 569.100, RSMo;
- 47 (19) The possession of a weapon under chapter 571, RSMo;

48 (20) Child molestation in the first degree pursuant to section 566.067,
49 RSMo;

50 (21) Deviate sexual assault pursuant to section 566.070, RSMo;

51 (22) Sexual misconduct involving a child pursuant to section 566.083,
52 RSMo;

53 (23) Sexual abuse pursuant to section 566.100, RSMo;

54 (24) Harassment under section 565.090, RSMo; or

55 (25) Stalking under section 565.225, RSMo; committed on school property,
56 including but not limited to actions on any school bus in service on behalf of the
57 district or while involved in school activities. The policy shall require that any
58 portion of a student's individualized education program that is related to
59 demonstrated or potentially violent behavior shall be provided to any teacher and
60 other school district employees who are directly responsible for the student's
61 education or who otherwise interact with the student on an educational basis
62 while acting within the scope of their assigned duties. The policy shall also
63 contain the consequences of failure to obey standards of conduct set by the local
64 board of education, and the importance of the standards to the maintenance of an
65 atmosphere where orderly learning is possible and encouraged.

66 3. The policy shall provide that any student who is on suspension for any
67 of the offenses listed in subsection 2 of this section or any act of violence or
68 drug-related activity defined by school district policy as a serious violation of
69 school discipline pursuant to subsection 9 of this section shall have as a condition
70 of his or her suspension the requirement that such student is not allowed, while
71 on such suspension, to be within one thousand feet of any [public] school
72 **property** in the school district where such student attended school **or any**
73 **activity of that district, regardless of whether or not the activity takes**
74 **place on district property** unless:

75 (1) Such student is under the direct supervision of the student's parent,
76 legal guardian, or custodian **and the superintendent or the**
77 **superintendent's designee has authorized the student to be on school**
78 **property;**

79 (2) Such student is under the direct supervision of another adult
80 designated by the student's parent, legal guardian, or custodian, in advance, in
81 writing, to the principal of the school which suspended the student **and the**
82 **superintendent or the superintendent's designee has authorized the**
83 **student to be on school property;**

84 (3) Such student is **enrolled in and attending** an alternative school that
85 is located within one thousand feet of a public school in the school district where
86 such student attended school; or

87 (4) Such student resides within one thousand feet of any public school in
88 the school district where such student attended school in which case such student
89 may be on the property of his or her residence without direct adult supervision.

90 4. Any student who violates the condition of suspension required pursuant
91 to subsection 3 of this section may be subject to expulsion or further suspension
92 pursuant to the provisions of sections 167.161, 167.164, and 167.171, RSMo. In
93 making this determination consideration shall be given to whether the student
94 poses a threat to the safety of any child or school employee and whether such
95 student's unsupervised presence within one thousand feet of the school is
96 disruptive to the educational process or undermines the effectiveness of the
97 school's disciplinary policy. Removal of any pupil who is a student with a
98 disability is subject to state and federal procedural rights.

99 5. The policy shall provide for a suspension for a period of not less than
100 one year, or expulsion, for a student who is determined to have brought a weapon
101 to school, including but not limited to the school playground or the school parking
102 lot, brought a weapon on a school bus or brought a weapon to a school activity
103 whether on or off of the school property in violation of district policy, except that:

104 (1) The superintendent or, in a school district with no high school, the
105 principal of the school which such child attends may modify such suspension on
106 a case-by-case basis; and

107 (2) This section shall not prevent the school district from providing
108 educational services in an alternative setting to a student suspended under the
109 provisions of this section.

110 6. For the purpose of this section, the term "weapon" shall mean a firearm
111 as defined under 18 U.S.C. 921 and the following items, as defined in section
112 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a
113 firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a
114 projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
115 that this section shall not be construed to prohibit a school board from adopting
116 a policy to allow a Civil War reenactor to carry a Civil War era weapon on school
117 property for educational purposes so long as the firearm is unloaded. The local
118 board of education shall define weapon in the discipline policy. Such definition
119 shall include the weapons defined in this subsection but may also include other

120 weapons.

121 7. All school district personnel responsible for the care and supervision
122 of students are authorized to hold every pupil strictly accountable for any
123 disorderly conduct in school or on any property of the school, on any school bus
124 going to or returning from school, during school-sponsored activities, or during
125 intermission or recess periods.

126 8. Teachers and other authorized district personnel in public schools
127 responsible for the care, supervision, and discipline of schoolchildren, including
128 volunteers selected with reasonable care by the school district, shall not be civilly
129 liable when acting in conformity with the established [policy of discipline]
130 **policies** developed by each board [under this section], **including but not**
131 **limited to policies of student discipline** or when reporting to his or her
132 supervisor or other person as mandated by state law acts of school violence or
133 threatened acts of school violence, within the course and scope of the duties of the
134 teacher, authorized district personnel or volunteer, when such individual is acting
135 in conformity with the established policies developed by the board. Nothing in
136 this section shall be construed to create a new cause of action against such school
137 district, or to relieve the school district from liability for the negligent acts of
138 such persons.

139 9. Each school board shall define in its discipline policy acts of violence
140 and any other acts that constitute a serious violation of that policy. "Acts of
141 violence" as defined by school boards shall include but not be limited to exertion
142 of physical force by a student with the intent to do serious bodily harm to another
143 person while on school property, including a school bus in service on behalf of the
144 district, or while involved in school activities. School districts shall for each
145 student enrolled in the school district compile and maintain records of any
146 serious violation of the district's discipline policy. Such records shall be made
147 available to teachers and other school district employees with a need to know
148 while acting within the scope of their assigned duties, and shall be provided as
149 required in section 167.020, RSMo, to any school district in which the student
150 subsequently attempts to enroll.

151 10. Spanking, when administered by certificated personnel **or the use of**
152 **force to protect persons or property, when administered by personnel**
153 of a school district in a reasonable manner in accordance with the local board of
154 education's written policy of discipline, is not abuse within the meaning of
155 chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo,

156 notwithstanding, the **children's** division [of family services] shall not have
157 jurisdiction over or investigate any report of alleged child abuse arising out of or
158 related to any spanking administered in a reasonable manner by any certificated
159 school personnel pursuant to a written policy of discipline established by the
160 board of education of the school district, **as long as no allegation of sexual**
161 **misconduct arises from the incident, and in addition, in the case of**
162 **spanking, as long as another employee of the school is present as a**
163 **witness.** Upon receipt of any reports of child abuse by the **children's** division
164 [of family services] pursuant to sections 210.110 to 210.165, RSMo, which
165 allegedly involves personnel of a school district, the **children's** division [of family
166 services] shall notify the superintendent of schools of the district or, if the person
167 named in the alleged incident is the superintendent of schools, the president of
168 the school board of the school district where the alleged incident occurred. If,
169 after an initial investigation, the superintendent of schools or the president of the
170 school board finds that the report involves an alleged incident of child abuse
171 other than the administration of a spanking by certificated school personnel **or**
172 **the use of force to protect persons or property when administered by**
173 **school personnel** pursuant to a written policy of discipline or [a] **that the**
174 report **was** made for the sole purpose of harassing a public school employee, the
175 superintendent of schools or the president of the school board shall immediately
176 refer the matter back to the **children's** division [of family services] and take no
177 further action. In all matters referred back to the **children's** division [of family
178 services], the division [of family services] shall treat the report in the same
179 manner as other reports of alleged child abuse received by the division. If the
180 report pertains to an alleged incident which arose out of or is related to a
181 spanking administered by certificated personnel **or the use of force to protect**
182 **persons or property when administered by personnel** of a school district
183 pursuant to a written policy of discipline or a report made for the sole purpose of
184 harassing a public school employee, a notification of the reported child abuse
185 shall be sent by the superintendent of schools or the president of the school board
186 to the juvenile officer of the county in which the alleged incident occurred. The
187 report shall be jointly investigated by the juvenile officer or a law enforcement
188 officer designated by the juvenile officer and the superintendent of schools or, if
189 the subject of the report is the superintendent of schools, by the juvenile officer
190 or a law enforcement officer designated by the juvenile officer and the president
191 of the school board or such president's designee. The investigation shall begin no

192 later than forty-eight hours after notification from the **children's** division [of
193 family services] is received, and shall consist of, but need not be limited to,
194 interviewing and recording statements of the child and the child's parents or
195 guardian within two working days after the start of the investigation, of the
196 school district personnel allegedly involved in the report, and of any witnesses to
197 the alleged incident. The juvenile officer or a law enforcement officer designated
198 by the juvenile officer and the investigating school district personnel shall issue
199 separate reports of their findings and recommendations after the conclusion of the
200 investigation to the school board of the school district within seven days after
201 receiving notice from the **children's** division [of family services]. The reports
202 shall contain a statement of conclusion as to whether the report of alleged child
203 abuse is substantiated or is unsubstantiated. The school board shall consider the
204 separate reports and shall issue its findings and conclusions and the action to be
205 taken, if any, within seven days after receiving the last of the two reports. The
206 findings and conclusions shall be made in substantially the following form:

207 (1) The report of the alleged child abuse is unsubstantiated. The juvenile
208 officer or a law enforcement officer designated by the juvenile officer and the
209 investigating school board personnel agree that the evidence shows that no abuse
210 occurred;

211 (2) The report of the alleged child abuse is substantiated. The juvenile
212 officer or a law enforcement officer designated by the juvenile officer and the
213 investigating school district personnel agree that the evidence is sufficient to
214 support a finding that the alleged incident of child abuse did occur;

215 (3) The issue involved in the alleged incident of child abuse is
216 unresolved. The juvenile officer or a law enforcement officer designated by the
217 juvenile officer and the investigating school personnel are unable to agree on
218 their findings and conclusions on the alleged incident.

219 11. The findings and conclusions of the school board shall be sent to the
220 **children's** division [of family services]. If the findings and conclusions of the
221 school board are that the report of the alleged child abuse is unsubstantiated, the
222 investigation shall be terminated, the case closed, and no record shall be entered
223 in the **children's** division [of family services'] central registry. If the findings
224 and conclusions of the school board are that the report of the alleged child abuse
225 is substantiated, the **children's** division [of family services] shall report the
226 incident to the prosecuting attorney of the appropriate county along with the
227 findings and conclusions of the school district and shall include the information

228 in the division's central registry. If the findings and conclusions of the school
229 board are that the issue involved in the alleged incident of child abuse is
230 unresolved, the **children's** division [of family services] shall report the incident
231 to the prosecuting attorney of the appropriate county along with the findings and
232 conclusions of the school board, however, the incident and the names of the
233 parties allegedly involved shall not be entered into the central registry of the
234 **children's** division [of family services] unless and until the alleged child abuse
235 is substantiated by a court of competent jurisdiction.

236 12. Any superintendent of schools, president of a school board or such
237 person's designee or juvenile officer who knowingly falsifies any report of any
238 matter pursuant to this section or who knowingly withholds any information
239 relative to any investigation or report pursuant to this section is guilty of a class
240 A misdemeanor.

241 13. In order to ensure the safety of all students, should a student be
242 expelled for bringing a weapon to school, violent behavior, or for an act of school
243 violence, that student shall not, for the purposes of the accreditation process of
244 the Missouri school improvement plan, be considered a dropout or be included in
245 the calculation of that district's educational persistence ratio.

160.263. 1. The school discipline policy under section 160.261
2 **shall prohibit confining a student in an unattended, locked space**
3 **except for an emergency situation while awaiting the arrival of law**
4 **enforcement personnel.**

5 **2. By July 1, 2011, the local board of education of each school**
6 **district shall adopt a written policy that comprehensively addresses the**
7 **use of restrictive behavioral interventions as a form of discipline or**
8 **behavior management technique. The policy shall be consistent with**
9 **professionally accepted practices and standards of student discipline,**
10 **behavior management, health and safety, including the Safe Schools**
11 **Act. The policy shall include but not be limited to:**

12 **(1) Definitions of "restraint", "seclusion", and "time-out" and any**
13 **other terminology necessary to describe the continuum of restrictive**
14 **behavioral interventions available for use or prohibited in the district;**

15 **(2) Description of circumstances under which a restrictive**
16 **behavioral intervention is allowed and prohibited and any unique**
17 **application requirements for specific groups of students such as**
18 **differences based on age, disability, or environment in which the**

19 **educational services are provided;**

20 **(3) Specific implementation requirements associated with a**
21 **restrictive behavioral intervention such as time limits, facility**
22 **specifications, training requirements or supervision requirements; and**

23 **(4) Documentation, notice and permission requirements**
24 **associated with use of a restrictive behavioral intervention.**

25 **3. The department of elementary and secondary education shall,**
26 **in cooperation with appropriate associations, organizations, agencies**
27 **and individuals with specialized expertise in behavior management,**
28 **develop a model policy that satisfies the requirements of subsection 2**
29 **of this section by July 1, 2010.**

160.660. 1. On or before July 1, 2001, the state board of education shall
2 add to any school facilities and safety criteria developed for the Missouri school
3 improvement program provisions that require:

4 (1) Each school district's designated safety coordinator to have a thorough
5 knowledge of all federal, state and local school violence prevention programs and
6 resources available to students, teachers or staff in the district; and

7 (2) Each school district to fully utilize all such programs and resources
8 that the local school board or its designee determines are necessary and
9 cost-effective for the school district.

10 **2. On or before July 1, 2011, the state board of education shall**
11 **add to any school facilities and safety criteria developed for the**
12 **Missouri school improvement program provisions that suggest that the**
13 **drills required pursuant to the standard for safe facilities occur at least**
14 **annually and require that all staff receive sufficient training on the**
15 **security and crisis management plan to ensure familiarity with the plan**
16 **details is maintained throughout the school year.**

17 **3. Any rule or portion of a rule, as that term is defined in section 536.010,**
18 **RSMo, that is created under the authority delegated in this section shall become**
19 **effective only if it complies with and is subject to all of the provisions of chapter**
20 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
21 **536, RSMo, are nonseverable and if any of the powers vested with the general**
22 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date**
23 **or to disapprove and annul a rule are subsequently held unconstitutional, then**
24 **the grant of rulemaking authority and any rule proposed or adopted after August**
25 **28, 2000, shall be invalid and void.**

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, **cyberbullying, electronic**, or written communication, and any threat of retaliation for reporting of such acts.

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge. The district policy shall address training of employees in the requirements of the district policy.

161.650. 1. The department of elementary and secondary education shall identify and adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include, but shall not be limited to, instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as those phrases are defined in section 578.421, RSMo, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as approved for use in Missouri public schools. The program or programs of instruction shall encourage nonviolent conflict resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.

2. All public school districts within this state with the approval of the district's board of education may administer the program or programs of student instruction adopted pursuant to subsection 1 of this section to students within the

21 district starting at the kindergarten level and every year thereafter through the
22 twelfth-grade level.

23 3. Any district adopting and providing a program of instruction pursuant
24 to this section shall be entitled to receive state aid pursuant to section 163.031,
25 RSMo. If such aid is determined by the department to be insufficient to
26 implement any program or programs adopted by a district pursuant to this
27 section:

28 (1) The department may fund the program or programs adopted pursuant
29 to this section or pursuant to subsection 2 of section 160.530, RSMo, or both, after
30 securing any funding available from alternative sources; and

31 (2) School districts may fund the program or programs from funds
32 received pursuant to subsection 1 of section 160.530, RSMo[, and section 166.260,
33 RSMo].

34 4. No rule or portion of a rule promulgated pursuant to this section shall
35 become effective unless it has been promulgated pursuant to chapter 536, RSMo.

162.215. 1. The school board of a district with its administrative
2 **headquarters located within a home rule city with more than forty-**
3 **eight thousand but fewer than forty-nine thousand inhabitants may**
4 **authorize and commission school officers to enforce laws relating to**
5 **crimes committed on school premises, at school activities, and on**
6 **school buses operating within the school district only upon the**
7 **execution of a memorandum of understanding with each municipal law**
8 **enforcement agency and county sheriff's office which has law**
9 **enforcement jurisdiction over the school district's premises and**
10 **location of school activities, provided that the memorandum shall not**
11 **grant statewide arrest authority. School officers shall be licensed**
12 **peace officers, as defined in section 590.010, RSMo, and shall comply**
13 **with the provisions of chapter 590, RSMo. The powers and duties of a**
14 **peace officer shall continue throughout the employee's tenure as a**
15 **school officer.**

16 **2. School officers shall abide by district school board policies, all**
17 **terms and conditions defined within the executed memorandum of**
18 **understanding with each municipal law enforcement agency and county**
19 **sheriff's office which has law enforcement jurisdiction over the school**
20 **district's premises and location of school activities, and shall consult**
21 **with and coordinate activities through the school superintendent or the**

22 superintendent's designee. School officers' authority shall be limited
23 to crimes committed on school premises, at school activities, and on
24 school buses operating within the jurisdiction of the executed
25 memorandum of understanding. All crimes involving any sexual offense
26 or any felony involving the threat or use of force shall remain under
27 the authority of the local jurisdiction where the crime
28 occurred. School officers may conduct any justified stop on school
29 property and enforce any local violation that occurs on school
30 grounds. School officers shall have the authority to stop, detain, and
31 arrest for crimes committed on school property, at school activities,
32 and on school buses.

167.020. 1. As used in this section, the term "homeless child" or
2 "homeless youth" shall [mean a person less than twenty-one years of age who
3 lacks a fixed, regular and adequate nighttime residence, including a child or
4 youth who:

5 (1) Is sharing the housing of other persons due to loss of housing,
6 economic hardship, or a similar reason; is living in motels, hotels, or camping
7 grounds due to lack of alternative adequate accommodations; is living in
8 emergency or transitional shelters; is abandoned in hospitals; or is awaiting
9 foster care placement;

10 (2) Has a primary nighttime residence that is a public or private place not
11 designed for or ordinarily used as a regular sleeping accommodation for human
12 beings;

13 (3) Is living in cars, parks, public spaces, abandoned buildings,
14 substandard housing, bus or train stations, or similar settings; and

15 (4) Is a migratory child or youth who qualifies as homeless because the
16 child or youth is living in circumstances described in subdivisions (1) to (3) of this
17 subsection] **have the same meaning as the term "homeless children and**
18 **youths" in 42 U.S.C. Section 11434a.**

19 2. In order to register a pupil, the parent or legal guardian of the pupil
20 or the pupil himself or herself shall provide, at the time of registration, one of the
21 following:

22 (1) Proof of residency in the district. Except as otherwise provided in
23 section 167.151, the term "residency" shall mean that a person both physically
24 resides within a school district and is domiciled within that district or, in the case
25 of a private school student suspected of having a disability under the Individuals

26 With Disabilities Education Act, 20 U.S.C. Section 1412, et seq, that the student
27 attends private school within that district. The domicile of a minor child shall
28 be the domicile of a parent, military guardian pursuant to a military-issued
29 guardianship or court-appointed legal guardian; or

30 (2) Proof that the person registering the student has requested a waiver
31 under subsection 3 of this section within the last forty-five days. In instances
32 where there is reason to suspect that admission of the pupil will create an
33 immediate danger to the safety of other pupils and employees of the district, the
34 superintendent or the superintendent's designee may convene a hearing within
35 five working days of the request to register and determine whether or not the
36 pupil may register.

37 3. Any person subject to the requirements of subsection 2 of this section
38 may request a waiver from the district board of any of those requirements on the
39 basis of hardship or good cause. Under no circumstances shall athletic ability be
40 a valid basis of hardship or good cause for the issuance of a waiver of the
41 requirements of subsection 2 of this section. The district board or committee of
42 the board appointed by the president and which shall have full authority to act
43 in lieu of the board shall convene a hearing as soon as possible, but no later than
44 forty-five days after receipt of the waiver request made under this subsection or
45 the waiver request shall be granted. The district board or committee of the board
46 may grant the request for a waiver of any requirement of subsection 2 of this
47 section. The district board or committee of the board may also reject the request
48 for a waiver in which case the pupil shall not be allowed to register. Any person
49 aggrieved by a decision of a district board or committee of the board on a request
50 for a waiver under this subsection may appeal such decision to the circuit court
51 in the county where the school district is located.

52 4. Any person who knowingly submits false information to satisfy any
53 requirement of subsection 2 of this section is guilty of a class A misdemeanor.

54 5. In addition to any other penalties authorized by law, a district board
55 may file a civil action to recover, from the parent, military guardian or legal
56 guardian of the pupil, the costs of school attendance for any pupil who was
57 enrolled at a school in the district and whose parent, military guardian or legal
58 guardian filed false information to satisfy any requirement of subsection 2 of this
59 section.

60 6. Subsection 2 of this section shall not apply to a pupil who is a homeless
61 child or youth, or a pupil attending a school not in the pupil's district of residence

62 as a participant in an interdistrict transfer program established under a
63 court-ordered desegregation program, a pupil who is a ward of the state and has
64 been placed in a residential care facility by state officials, a pupil who has been
65 placed in a residential care facility due to a mental illness or developmental
66 disability, a pupil attending a school pursuant to sections 167.121 and 167.151,
67 a pupil placed in a residential facility by a juvenile court, a pupil with a disability
68 identified under state eligibility criteria if the student is in the district for
69 reasons other than accessing the district's educational program, or a pupil
70 attending a regional or cooperative alternative education program or an
71 alternative education program on a contractual basis.

72 7. Within two business days of enrolling a pupil, the school official
73 enrolling a pupil, including any special education pupil, shall request **all**
74 **education records deemed necessary by the school official for**
75 **enrollment, including but not limited to** those records required by district
76 policy for student transfer, **individual education plans, health records,** and
77 those discipline records required by subsection 9 of section 160.261, RSMo, from
78 all schools previously attended by the pupil within the last twelve months. Any
79 school district that receives a request for such records from another school district
80 **or private or parochial school** enrolling a pupil that had previously attended
81 a school in such district shall respond to such request within five business days
82 of receiving the request. School districts may report or disclose education records
83 to law enforcement [and], juvenile justice authorities, **or other state or local**
84 **officials** if the disclosure concerns law enforcement's or juvenile justice
85 authorities' ability to effectively serve, prior to adjudication, the student whose
86 records are released. The officials and authorities to whom such information is
87 disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
88 1232g (b)(1)(E).

167.022. Consistent with the provisions of section 167.020, within
2 [forty-eight hours] **two business days** of enrolling a nonresident pupil placed
3 pursuant to sections 210.481 to 210.536, RSMo, the school official enrolling a
4 pupil, including any special education pupil, shall request **all education**
5 **records deemed necessary by the school official for enrollment,**
6 **including but not limited to** those records required by district policy for
7 student transfer, **individual education plans, health records,** and those
8 discipline records required by subsection [7] 9 of section 160.261, RSMo, from all
9 schools and other facilities previously attended by the pupil and from other state

10 agencies as enumerated in section 210.518, RSMo, and any entities involved with
11 the placement of the student within the last twenty-four months. Any request for
12 records under this section shall include, if applicable to the student, any records
13 relating to an act of violence as defined under subsection [7] 9 of section
14 [160.262] **160.261**, RSMo.

167.023. **1. When a student is found to have committed a**
2 reportable offense under subdivisions (1) to (25) of subsection 2 of
3 section 160.261, RSMo, the school district shall provide all information
4 relating to such reportable offense to any school district to which the
5 student transfers or enrolls. In addition, if the student has been
6 certified for trial as an adult under section 211.071, RSMo, then the
7 school district shall attach notice of the commission of the reportable
8 offense to the student's permanent record and to the student's academic
9 transcript. However, if the student is under the jurisdiction of the
10 juvenile court, the school shall attach a notice to the student's
11 permanent record and to the student's academic transcript stating only
12 that a reportable offense under subdivisions (1) to (25) of subsection 2
13 of section 160.261, RSMo, has been committed by the student.

14 **2.** Prior to admission to any public school, a school board may require the
15 parent, guardian, or other person having control or charge of a child of school age
16 to provide, upon enrollment, a sworn statement or affirmation indicating whether
17 the student has been expelled from school attendance at any school, public or
18 private, in this state or in any other state for an offense in violation of school
19 board policies relating to weapons, alcohol or drugs, or for the willful infliction
20 of injury to another person. Any person making a materially false statement or
21 affirmation shall be guilty upon conviction of a class B misdemeanor. The
22 registration document shall be maintained as a part of the student's scholastic
23 record.

167.029. A public school district [in any city not within a county shall
2 determine whether a dress code policy requiring pupils] **may require students**
3 to wear a school uniform [is appropriate at any school or schools within such
4 district, and if it is so determined, shall adopt such a policy] **or restrict student**
5 **dress to a particular style in accordance with the law.** The school district
6 may determine the style and color of the school uniform.

167.115. **1.** Notwithstanding any provision of chapter 211, RSMo, or
2 chapter 610, RSMo, to the contrary, the juvenile officer, sheriff, chief of police or

3 other appropriate law enforcement authority shall, as soon as reasonably
4 practical, notify the superintendent, or the superintendent's designee, of the
5 school district in which the pupil is enrolled when a petition is filed pursuant to
6 subsection 1 of section 211.031, RSMo, alleging that the pupil has committed one
7 of the following acts:

- 8 (1) First degree murder under section 565.020, RSMo;
- 9 (2) Second degree murder under section 565.021, RSMo;
- 10 (3) Kidnapping under section 565.110, RSMo;
- 11 (4) First degree assault under section 565.050, RSMo;
- 12 (5) Forcible rape under section 566.030, RSMo;
- 13 (6) Forcible sodomy under section 566.060, RSMo;
- 14 (7) Burglary in the first degree under section 569.160, RSMo;
- 15 (8) **Burglary in the second degree under section 569.170, RSMo;**
- 16 (9) Robbery in the first degree under section 569.020, RSMo;
- 17 [(9)] (10) Distribution of drugs under section 195.211, RSMo;
- 18 [(10)] (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 19 [(11)] (12) Arson in the first degree under section 569.040, RSMo;
- 20 [(12)] (13) Voluntary manslaughter under section 565.023, RSMo;
- 21 [(13)] (14) Involuntary manslaughter under section 565.024, RSMo;
- 22 [(14)] (15) Second degree assault under section 565.060, RSMo;
- 23 [(15)] (16) Sexual assault under section 566.040, RSMo;
- 24 [(16)] (17) Felonious restraint under section 565.120, RSMo;
- 25 [(17)] (18) Property damage in the first degree under section 569.100,
26 RSMo;
- 27 [(18)] (19) The possession of a weapon under chapter 571, RSMo;
- 28 [(19)] (20) Child molestation in the first degree pursuant to section
29 566.067, RSMo;
- 30 [(20)] (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- 31 [(21)] (22) Sexual misconduct involving a child pursuant to section
32 566.083, RSMo; [or]
- 33 [(22)] (23) Sexual abuse pursuant to section 566.100, RSMo;
- 34 (24) **Harassment under section 565.090, RSMo; or**
- 35 (25) **Stalking under section 565.225, RSMo.**

36 2. The notification shall be made orally or in writing, in a timely manner,
37 no later than five days following the filing of the petition. If the report is made
38 orally, written notice shall follow in a timely manner. The notification shall

39 include a complete description of the conduct the pupil is alleged to have
40 committed and the dates the conduct occurred but shall not include the name of
41 any victim. Upon the disposition of any such case, the juvenile office or
42 prosecuting attorney or their designee shall send a second notification to the
43 superintendent providing the disposition of the case, including a brief summary
44 of the relevant finding of facts, no later than five days following the disposition
45 of the case.

46 3. The superintendent or the designee of the superintendent shall report
47 such information to **all teachers at the student's attendance center and to**
48 **any** other school district employees with a need to know while acting within the
49 scope of their assigned duties. Any information received by school district
50 officials pursuant to this section shall be received in confidence and used for the
51 limited purpose of assuring that good order and discipline is maintained in the
52 school. This information shall not be used as the sole basis for not providing
53 educational services to a public school pupil.

54 4. The superintendent shall notify the appropriate division of the juvenile
55 or family court upon any pupil's suspension for more than ten days or expulsion
56 of any pupil that the school district is aware is under the jurisdiction of the court.

57 5. The superintendent or the superintendent's designee may be called to
58 serve in a consultant capacity at any dispositional proceedings pursuant to
59 section 211.031, RSMo, which may involve reference to a pupil's academic
60 treatment plan.

61 6. Upon the transfer of any pupil described in this section to any other
62 school district in this state, the superintendent or the superintendent's designee
63 shall forward the written notification given to the superintendent pursuant to
64 subsection 2 of this section to the superintendent of the new school district in
65 which the pupil has enrolled. Such written notification shall be required again
66 in the event of any subsequent transfer by the pupil.

67 7. As used in this section, the terms "school" and "school district" shall
68 include any charter, private or parochial school or school district, and the term
69 "superintendent" shall include the principal or equivalent chief school officer in
70 the cases of charter, private or parochial schools.

71 8. The superintendent or the designee of the superintendent or other
72 school employee who, in good faith, reports information in accordance with the
73 terms of this section and section 160.261, RSMo, shall not be civilly liable for
74 providing such information.

167.117. 1. In any instance when any person is believed to have
2 committed an act which if committed by an adult would be assault in the first,
3 second or third degree, sexual assault, or deviate sexual assault against a pupil
4 or school employee, while on school property, including a school bus in service on
5 behalf of the district, or while involved in school activities, the principal shall
6 immediately report such incident to the appropriate local law enforcement agency
7 and to the superintendent, except in any instance when any person is believed to
8 have committed an act which if committed by an adult would be assault in the
9 third degree and a written agreement as to the procedure for the reporting of
10 such incidents of third degree assault has been executed between the
11 superintendent of the school district and the appropriate local law enforcement
12 agency, the principal shall report such incident to the appropriate local law
13 enforcement agency in accordance with such agreement.

14 2. In any instance when a pupil is discovered to have on or about such
15 pupil's person, or among such pupil's possessions, or placed elsewhere on the
16 school premises, including but not limited to the school playground or the school
17 parking lot, on a school bus or at a school activity whether on or off of school
18 property any controlled substance as defined in section 195.010, RSMo, or any
19 weapon as defined in subsection [4] 6 of section 160.261, RSMo, in violation of
20 school policy, the principal shall immediately report such incident to the
21 appropriate local law enforcement agency and to the superintendent.

22 3. In any instance when a teacher becomes aware of an assault as set
23 forth in subsection 1 of this section or finds a pupil in possession of a weapon or
24 controlled substances as set forth in subsection 2 of this section, the teacher shall
25 immediately report such incident to the principal.

26 4. A school employee, superintendent or such person's designee who in
27 good faith provides information to law enforcement or juvenile authorities
28 pursuant to this section or section 160.261, RSMo, shall not be civilly liable for
29 providing such information.

30 5. Any school official responsible for reporting pursuant to this section or
31 section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall
32 be subject to the penalty established pursuant to section 162.091, RSMo.

167.161. 1. The school board of any district, after notice to parents or
2 others having custodial care and a hearing upon charges preferred, may suspend
3 or expel a pupil for conduct which is prejudicial to good order and discipline in
4 the schools or which tends to impair the morale or good conduct of the pupils. In

5 addition to the authority granted in section 167.171, a school board may
6 authorize, by general rule, the immediate removal of a pupil upon a finding by
7 the principal, superintendent, or school board that the pupil poses a threat of
8 harm to such pupil or others, as evidenced by the prior conduct of such
9 pupil. Prior disciplinary actions shall not be used as the sole basis for removal,
10 suspension or expulsion of a pupil. Removal of any pupil who is a student with
11 a disability is subject to state and federal procedural rights. At the hearing upon
12 any such removal, suspension or expulsion, the board shall consider the evidence
13 and statements that the parties present and may consider records of past
14 disciplinary actions, criminal court records or juvenile court records consistent
15 with other provisions of the law, or the actions of the pupil which would
16 constitute a criminal offense. The board may provide by general rule not
17 inconsistent with this section for the procedure and conduct of such
18 hearings. After meeting with the superintendent or his designee to discuss the
19 expulsion, the parent, custodian or the student, if at least eighteen years of age,
20 may, in writing, waive any right to a hearing before the board of education.

21 2. The school board of any district, after notice to parents or others having
22 custodial care and a hearing upon the matter, may suspend **or expel** a pupil
23 upon a finding that the pupil has been charged, convicted or pled guilty in a court
24 of general jurisdiction for the commission of a felony criminal violation of state
25 or federal law. At a hearing required by this subsection, the board shall consider
26 statements that the parties present. The board may provide for the procedure
27 and conduct of such hearings.

28 3. The school board shall make a good-faith effort to have the parents or
29 others having custodial care present at any such hearing. Notwithstanding any
30 other provision of law to the contrary, student discipline hearings or proceedings
31 related to the rights of students to attend school or to receive academic credit
32 shall not be required to comply with the requirements applicable to contested
33 case hearings as provided in chapter 536, RSMo, provided that appropriate due
34 process procedures shall be observed which shall include the right for a trial de
35 novo by the circuit court.

167.164. 1. Any suspension **or expulsion** issued [pursuant to] **by a**
2 **public school district under** section 167.161[,], or this section[, or expulsion
3 pursuant to section 167.161,] shall not relieve the state or the suspended
4 student's parents or guardians of their responsibilities to educate the
5 student. School districts are encouraged to provide an in-school suspension

6 system and to search for other acceptable discipline alternatives prior to using
7 suspensions of more than ten days or expelling a student from the school. Each
8 school district or special school district constituting the domicile of any child for
9 whom alternative education programs are provided or procured under this section
10 shall pay toward the per pupil costs for alternative education programs for such
11 child. A school district which is not a special school district shall pay an amount
12 equal to the average sum produced per child by the local tax effort of the district
13 of domicile. A special school district shall pay an amount not to exceed the
14 average sum produced per child by the local tax efforts of the domiciliary
15 districts. When educational services have been provided by the school district or
16 special school district in which a child actually resides, other than the district of
17 domicile, the amounts as provided in subsection 2 of this section for which the
18 domiciliary school district or special school district is responsible shall be paid by
19 such district directly to the serving district. The school district, or special school
20 district, as the case may be, shall send a written voucher for payment to the
21 regular or special district constituting the domicile of the child served and the
22 domiciliary school district or special school district receiving such voucher shall
23 pay the district providing or procuring the services an amount not to exceed the
24 average sum produced per child by the local tax efforts of the domiciliary
25 districts. In the event the responsible district fails to pay the appropriate amount
26 to the district within ninety days after a voucher is submitted, the state
27 department of elementary and secondary education shall deduct the appropriate
28 amount due from the next payments of any state financial aid due that district
29 and shall pay the same to the appropriate district.

30 2. A school district may contract with other political subdivisions, public
31 agencies, not-for-profit organizations, or private agencies for the provision of
32 alternative education services for students whose demonstrated disruptive
33 behavior indicates that they cannot be adequately served in the traditional
34 classroom setting. Such contracting may be included as part of a grant
35 application pursuant to section 167.335 or conducted independent of the
36 provisions of section 167.335.

167.621. 1. Persons providing health services under sections 167.600 to
2 167.621 shall obtain authorization from a parent or guardian of the child before
3 providing services as provided by section 431.061, RSMo.

4 2. No employee of any school district may be required to administer
5 medication or medical services for which the employee is not qualified according

6 to standard medical practices. No **unqualified** employee who refuses to [violate
7 this provision] **administer medication or medical services** shall be subject
8 to any disciplinary action for such refusal. Nothing herein shall be construed to
9 prevent any employee from providing routine first aid, provided that any
10 employee shall be held harmless **and immune** from any liability if such
11 employee is following a proper procedure adopted by the local school board.

12 **3. Any qualified employee shall be held harmless and immune**
13 **from any civil liability for administering medication or medical**
14 **services in good faith and according to standard medical practices.**

167.624. Each school board in the state, if the school district does not
2 presently have a program as described below, may develop and implement a
3 program to train the students **and employees** of the district in the
4 administration of cardiopulmonary resuscitation and other lifesaving methods,
5 as they determine best, and may consult the department of public safety, the
6 state fire marshal's office, the local fire protection authorities, and others as the
7 board sees fit. The board may make completion of the program a requirement for
8 graduation. **Any trained employee shall be held harmless and immune**
9 **from any civil liability for administering cardiopulmonary resuscitation**
10 **and other lifesaving methods in good faith and according to standard**
11 **medical practices.**

167.627. 1. For purposes of this section, the following terms shall mean:

2 (1) "Medication", any medicine prescribed or ordered by a physician for
3 the treatment of asthma or anaphylaxis, including without limitation inhaled
4 bronchodilators and auto-injectible epinephrine;

5 (2) "Self-administration", a pupil's discretionary use of medication
6 prescribed by a physician or under a written treatment plan from a physician.

7 2. Each board of education and its employees and agents in this state
8 shall grant any pupil in the school authorization for the possession and
9 self-administration of medication to treat such pupil's **chronic health**
10 **condition, including but not limited to** asthma or anaphylaxis if:

11 (1) A licensed physician prescribed or ordered such medication for use by
12 the pupil and instructed such pupil in the correct and responsible use of such
13 medication;

14 (2) The pupil has demonstrated to the pupil's licensed physician or the
15 licensed physician's designee, and the school nurse, if available, the skill level
16 necessary to use the medication and any device necessary to administer such

17 medication prescribed or ordered;

18 (3) The pupil's physician has approved and signed a written treatment
19 plan for managing **the pupil's chronic health condition, including** asthma
20 or anaphylaxis episodes [of the pupil] and for medication for use by the
21 pupil. Such plan shall include a statement that the pupil is capable of
22 self-administering the medication under the treatment plan;

23 (4) The pupil's parent or guardian has completed and submitted to the
24 school any written documentation required by the school, including the treatment
25 plan required under subdivision (3) of this subsection and the liability statement
26 required under subdivision (5) of this subsection; and

27 (5) The pupil's parent or guardian has signed a statement acknowledging
28 that the school district and its employees or agents shall incur no liability as a
29 result of any injury arising from the self-administration of medication by the
30 pupil or the administration of such medication by school staff. Such statement
31 shall not be construed to release the school district and its employees or agents
32 from liability for negligence.

33 3. An authorization granted under subsection 2 of this section shall:

34 (1) Permit such pupil to possess and self-administer such pupil's
35 medication while in school, at a school-sponsored activity, and in transit to or
36 from school or school-sponsored activity; and

37 (2) Be effective only for the same school and school year for which it is
38 granted. Such authorization shall be renewed by the pupil's parent or guardian
39 each subsequent school year in accordance with this section.

40 4. Any current duplicate prescription medication, if provided by a pupil's
41 parent or guardian or by the school, shall be kept at a pupil's school in a location
42 at which the pupil or school staff has immediate access in the event of an asthma
43 or anaphylaxis emergency.

44 5. The information described in subdivisions (3) and (4) of subsection 2 of
45 this section shall be kept on file at the pupil's school in a location easily
46 accessible in the event of an [asthma or anaphylaxis] emergency.

167.630. 1. Each school board may authorize a school nurse licensed
2 under chapter 335, RSMo, who is employed by the school district and for whom
3 the board is responsible for to maintain an adequate supply of prefilled auto
4 syringes of epinephrine with fifteen-hundredths milligram or three-tenths
5 milligram delivery at the school. The nurse shall recommend to the school board
6 the number of prefilled epinephrine auto syringes that the school should

7 maintain.

8 2. To obtain prefilled epinephrine auto syringes for a school district, a
9 prescription written by a licensed physician, a physician's assistant, or nurse
10 practitioner is required. For such prescriptions, the school district shall be
11 designated as the patient, the nurse's name shall be required, and the
12 prescription shall be filled at a licensed pharmacy.

13 3. A school nurse **or other school employee trained by and**
14 **supervised by the nurse** shall have the discretion to use an epinephrine auto
15 syringe on any student the school nurse **or trained employee** believes is having
16 a life-threatening anaphylactic reaction based on the [nurse's] training in
17 recognizing an acute episode of an anaphylactic reaction. **The provisions of**
18 **section 167.624 concerning immunity from civil liability for trained**
19 **employees administering life-saving methods shall apply to trained**
20 **employees administering a prefilled auto syringe under this section.**

168.133. 1. The school district shall ensure that a criminal background
2 check is conducted on any person employed after January 1, 2005, authorized to
3 have contact with pupils and prior to the individual having contact with any
4 pupil. Such persons include, but are not limited to, administrators, teachers,
5 aides, paraprofessionals, assistants, secretaries, custodians, cooks, and
6 nurses. The school district shall also ensure that a criminal background check
7 is conducted for school bus drivers. The district may allow such drivers to
8 operate buses pending the result of the criminal background check. For bus
9 drivers, the background check shall be conducted on drivers employed by the
10 school district or employed by a pupil transportation company under contract
11 with the school district.

12 2. In order to facilitate the criminal history background check on any
13 person employed after January 1, 2005, the applicant shall submit two sets of
14 fingerprints collected pursuant to standards determined by the Missouri highway
15 patrol. One set of fingerprints shall be used by the highway patrol to search the
16 criminal history repository and the family care safety registry pursuant to
17 sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the
18 Federal Bureau of Investigation for searching the federal criminal history files.

19 3. The applicant shall pay the fee for the state criminal history record
20 information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936,
21 RSMo, and pay the appropriate fee determined by the Federal Bureau of
22 Investigation for the federal criminal history record when he or she applies for

23 a position authorized to have contact with pupils pursuant to this section. The
24 department shall distribute the fees collected for the state and federal criminal
25 histories to the Missouri highway patrol.

26 4. The school district may adopt a policy to provide for reimbursement of
27 expenses incurred by an employee for state and federal criminal history
28 information pursuant to section 43.530, RSMo.

29 5. If, as a result of the criminal history background check mandated by
30 this section, it is determined that the holder of a certificate issued pursuant to
31 section 168.021 has pled guilty or nolo contendere to, or been found guilty of a
32 crime or offense listed in section 168.071, or a similar crime or offense committed
33 in another state, the United States, or any other country, regardless of imposition
34 of sentence, such information shall be reported to the department of elementary
35 and secondary education.

36 6. Any school official making a report to the department of elementary
37 and secondary education in conformity with this section shall not be subject to
38 civil liability for such action.

39 7. For any teacher who is employed by a school district on a substitute or
40 part-time basis within one year of such teacher's retirement from a Missouri
41 school, the state of Missouri shall not require such teacher to be subject to any
42 additional background checks prior to having contact with pupils. Nothing in this
43 subsection shall be construed as prohibiting or otherwise restricting a school
44 district from requiring additional background checks for such teachers employed
45 by the school district.

46 8. **A criminal background check and fingerprint collection**
47 **conducted under subsections 1 and 2 of this section shall be valid for**
48 **at least a period of one year and transferrable from one school district**
49 **to another district or private or parochial school. A teacher's change**
50 **in type of certification shall have no effect on the transferability of**
51 **such records.**

52 9. Nothing in this section shall be construed to alter the standards for
53 suspension, denial, or revocation of a certificate issued pursuant to this chapter.

54 [9.] 10. The state board of education may promulgate rules for criminal
55 history background checks made pursuant to this section. Any rule or portion of
56 a rule, as that term is defined in section 536.010, RSMo, that is created under the
57 authority delegated in this section shall become effective only if it complies with
58 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,

59 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
60 and if any of the powers vested with the general assembly pursuant to chapter
61 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
62 rule are subsequently held unconstitutional, then the grant of rulemaking
63 authority and any rule proposed or adopted after January 1, 2005, shall be
64 invalid and void.

210.102. 1. It shall be the duty of the Missouri children's services
2 commission to:

3 (1) Make recommendations which will encourage greater interagency
4 coordination, cooperation, more effective utilization of existing resources and less
5 duplication of effort in activities of state agencies which affect the legal rights
6 and well-being of children in Missouri;

7 (2) Develop an integrated state plan for the care provided to children in
8 this state through state programs;

9 (3) Develop a plan to improve the quality of children's programs
10 statewide. Such plan shall include, but not be limited to:

11 (a) Methods for promoting geographic availability and financial
12 accessibility for all children and families in need of such services;

13 (b) Program recommendations for children's services which include child
14 development, education, supervision, health and social services;

15 (4) Design and implement evaluation of the activities of the commission
16 in fulfilling the duties as set out in this section;

17 (5) Report annually to the governor with five copies each to the house of
18 representatives and senate about its activities including, but not limited to the
19 following:

20 (a) A general description of the activities pertaining to children of each
21 state agency having a member on the commission;

22 (b) A general description of the plans and goals, as they affect children,
23 of each state agency having a member on the commission;

24 (c) Recommendations for statutory and appropriation initiatives to
25 implement the integrated state plan;

26 (d) A report from the commission regarding the state of children in
27 Missouri;

28 **(6) On or before July 1, 2010, develop recommendations for best**
29 **practices in sharing relevant agency information relating to school-**
30 **aged children receiving state services in order to permit the best**

31 **degree of coordination in the delivery of such services while protecting**
32 **the privacy of the involved student and family.**

33 2. There is hereby established within the children's services commission
34 the "Coordinating Board for Early Childhood", which shall constitute a body
35 corporate and politic, and shall include but not be limited to the following
36 members:

37 (1) A representative from the governor's office;

38 (2) A representative from each of the following departments: health and
39 senior services, mental health, social services, and elementary and secondary
40 education;

41 (3) A representative of the judiciary;

42 (4) A representative of the family and community trust board (FACT);

43 (5) A representative from the head start program;

44 (6) Nine members appointed by the governor with the advice and consent
45 of the senate who are representatives of the groups, such as business,
46 philanthropy, civic groups, faith-based organizations, parent groups, advocacy
47 organizations, early childhood service providers, and other stakeholders.

48 The coordinating board may make all rules it deems necessary to enable it to
49 conduct its meetings, elect its officers, and set the terms and duties of its
50 officers. The coordinating board shall elect from amongst its members a
51 chairperson, vice chairperson, a secretary-reporter, and such other officers as it
52 deems necessary. Members of the board shall serve without compensation but
53 may be reimbursed for actual expenses necessary to the performance of their
54 official duties for the board.

55 3. The coordinating board for early childhood shall have the power to:

56 (1) Develop a comprehensive statewide long-range strategic plan for a
57 cohesive early childhood system;

58 (2) Confer with public and private entities for the purpose of promoting
59 and improving the development of children from birth through age five of this
60 state;

61 (3) Identify legislative recommendations to improve services for children
62 from birth through age five;

63 (4) Promote coordination of existing services and programs across public
64 and private entities;

65 (5) Promote research-based approaches to services and ongoing program
66 evaluation;

67 (6) Identify service gaps and advise public and private entities on methods
68 to close such gaps;

69 (7) Apply for and accept gifts, grants, appropriations, loans, or
70 contributions to the coordinating board for early childhood fund from any source,
71 public or private, and enter into contracts or other transactions with any federal
72 or state agency, any private organizations, or any other source in furtherance of
73 the purpose of subsections 2 and 3 of this section, and take any and all actions
74 necessary to avail itself of such aid and cooperation;

75 (8) Direct disbursements from the coordinating board for early childhood
76 fund as provided in this section;

77 (9) Administer the coordinating board for early childhood fund and invest
78 any portion of the moneys not required for immediate disbursement in obligations
79 of the United States or any agency or instrumentality of the United States, in
80 obligations of the state of Missouri and its political subdivisions, in certificates
81 of deposit and time deposits, or other obligations of banks and savings and loan
82 associations, or in such other obligations as may be prescribed by the board;

83 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise,
84 lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal
85 with real or personal property or any interests therein, wherever situated;

86 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or
87 any of its property or any interest therein, wherever situated;

88 (12) Employ and fix the compensation of an executive director and such
89 other agents or employees as it considers necessary;

90 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations
91 governing the manner in which its business may be transacted;

92 (14) Adopt and use an official seal;

93 (15) Assess or charge fees as the board determines to be reasonable to
94 carry out its purposes;

95 (16) Make all expenditures which are incident and necessary to carry out
96 its purposes;

97 (17) Sue and be sued in its official name;

98 (18) Take such action, enter into such agreements, and exercise all
99 functions necessary or appropriate to carry out the duties and purposes set forth
100 in this section.

101 4. There is hereby created the "Coordinating Board for Early Childhood
102 Fund" which shall consist of the following:

103 (1) Any moneys appropriated by the general assembly for use by the board
104 in carrying out the powers set out in subsections 2 and 3 of this section;
105 (2) Any moneys received from grants or which are given, donated, or
106 contributed to the fund from any source;
107 (3) Any moneys received as fees authorized under subsections 2 and 3 of
108 this section;
109 (4) Any moneys received as interest on deposits or as income on approved
110 investments of the fund;
111 (5) Any moneys obtained from any other available source.
112 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
113 moneys remaining in the coordinating board for early childhood fund at the end
114 of the biennium shall not revert to the credit of the general revenue fund.

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